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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Director of Information Services
1206 Ames

EXTENSION

NO.

01S*358*86

DATE

17 June 1986

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Executive Secretary

6/19

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Jay:

Per our earlier discussion, attached is a copy of letter from the DDA to Steve Garfinkel, D/ISOO.

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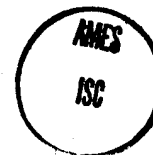
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Attachment:
As Stated

Ben
Ben



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FORM 1-79

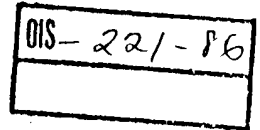
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USE PREVIOUS EDITIONS

Central Intelligence Agency



Washington, D.C. 20505



13 JUN 1988

Mr. Steven Garfinkel
Director, Information Security
Oversight Office (Z)
General Services Administration
18th & F Streets, N.W.
Washington, DC 20405

Dear Mr. Garfinkel:

This addresses the Agency's concerns regarding three of the thirteen information security initiatives recommended to the National Security Council (NSC) by the Information Security Oversight Office (ISOO). As you know, the Agency supports your efforts to strengthen the information security system. However, we want to ensure that our objections to elements of Initiative Nos. 1, 3, and 13 are a matter of record and that they are known to the NSC. We advised you of these concerns during the discussions that took place in October 1985 but will now restate our position on these issues.

Initiative No. 1 proposes the establishment of minimum requirements for the mandatory training of original and derivative classifiers. The practical effect of the mandatory training requirement would be to give ISOO the charter to determine who in each agency would have classification authority. Insofar as this Agency is concerned, the authority to decide who should or should not be permitted to make CIA classification decisions must remain with the Director of Central Intelligence.

Initiative No. 3 proposes that Federal employees and contractors be required to report or challenge classification actions that they believe to be incorrect. Since virtually any classification discrepancy, no matter how minor, would have to be reported, this initiative could create an administrative burden of major proportions. Moreover, it is patently unfair to hold employees at risk of censure for failing to report an opinion, particularly when the reporting employee's opinion would be, in many cases, less informed than that of the originator.

Initiative No. 13 proposes that ISOO ask the President to call upon the Attorney General to review and revise existing guidelines on the investigation of unauthorized disclosures. ISOO's Annual Report describes this initiative as a means of increasing the number of successful prosecutions or administrative actions brought against those guilty of leaking classified information. We vigorously support criminal prosecutions of unauthorized disclosures in those cases where prosecution would not compromise national security. As written, however, this proposal fails to recognize that national security equities rather than criminal prosecution must be the driving force behind an unauthorized disclosures investigation.

Again, I commend your efforts to improve the system and share your desire to increase the knowledge and personal accountability of the people who are entrusted with making the information security system work.

Sincerely,

A handwritten signature in dark ink, reading "William F. Donnelly", with a horizontal line drawn underneath it.

William F. Donnelly
Deputy Director
for
Administration

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DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-D-111
17 April 1986

MEMORANDUM FOR: Executive Secretary/DCI ✓
FROM: STAT
Chairman
SUBJECT: ISOO Initiatives
REFERENCE: Memo for DCI fm DDA, dtd 10 Apr 86, Subject: Information Security Initiatives Presented to the National Security Council by the Director, Information Security Oversight Office, OS 2070-86

1. The DDA's memo regarding ISOO initiatives 1, 13 and 3 is consistent with the position the SECOM Staff has taken on this subject.

2. Re Initiative #1 - There is a need for guidelines on classification throughout the government. The imposition of mandatory requirements for training, however, could create serious bureaucratic problems, e.g., whether a document classified by someone who had not been trained to ISOO specifications was legitimately classified. Further, there would be no way to enforce such mandatory standards, even if they were imposed. Guidelines, not mandatory standards, should be proposed as an alternative.

3. Re Initiative #13 - The language, intent, scope and objectives of the initiative are unclear. What does the reference to "existing guidelines" mean? Whose guidelines? Given the authority of department and agency heads to administer their own security and public affairs programs, it is unlikely that this would apply to intra-agency preliminary investigation of leaks. The unauthorized disclosure problem has received little serious attention from anyone other than the DCI and the Attorney General. It would be better to have this matter worked out primarily between them. The DCI has a proposal for a senior panel to guide efforts to control unauthorized disclosures. The ISOO proposal probably would hamper efforts to carry the DCI plan forward.

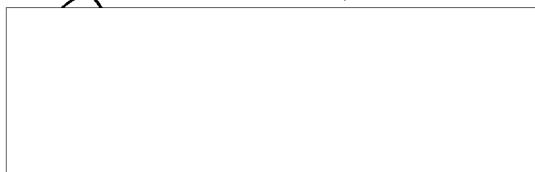
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4. Re Initiative #3 - There should be, and there are, procedures to challenge improper classification. A requirement to challenge classifications which are not fully understood, or with which a reader does not agree, could be the opening of Pandora's Box. Classifiers could spend much of their time explaining why they classified documents as they did. Even when IS00 was first created, under the Carter administration, its rules simply "encouraged" challenges to classification. A rule that requires recipients of documents to challenge classification, for whatever reason, would be counterproductive.




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ROUTING AND RECORD SHEET

SUBJECT: (Optional) Information Security Initiatives Presented to the National Security Council by the Director, Information Security Oversight Office

FROM: Deputy Director for Administration 7D24 Hqs		EXTENSION	NO. 05 2070	
			DATE 10 APR 1985	
TO: (Officer designation, room number, and building)		DATE		OFFICER'S INITIALS
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 To DM:
 I am, separately,
 asking C/Secom for his
 views on this. When
 received, a memo to
 Boardman (or my subject)
 will be developed.



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ROUTING AND RECORD SHEET						
SUBJECT: (Optional) Information Security Initiatives Presented to the National Security Council by the Director, Information Security Oversight Office						
FROM: Deputy Director for Administration 7D-24 Headquarters	EXTENSION 	NO. DATE	STAT STAT			
TO: (Officer designation, room number, and building)	DATE <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%; text-align: center;">RECEIVED</th> <th style="width: 50%; text-align: center;">FORWARDED</th> </tr> </table>	RECEIVED	FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)	
RECEIVED	FORWARDED					
1. Executive Registry 7E-12 Headquarters			<i>OR 16 to DCI 860410</i>			
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10 APR 1986

MEMORANDUM FOR: Director of Central Intelligence

FROM: Richard J. Kerr
Deputy Director for Administration

SUBJECT: Information Security Initiatives Presented to
the National Security Council by the Director,
Information Security Oversight Office []

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This memorandum contains information pertinent to an item we understand will be considered by the National Security Council. Aspects of this have potential to erode your authority to protect intelligence sources and methods information and require that you take action at the NSC level if you wish to prevent this erosion. []

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1. Background: The Director of the Information Security Oversight Office (ISOO) has forwarded 13 initiatives for consideration by the National Security Council. In presenting his initiatives, D/ISOO failed to document the strong objections that CIA raised concerning a number of them. These initiatives have been favorably reviewed by the Senate Select Committee on Intelligence (SSCI) and, if endorsed by the NSC, they will be given further support in General Stilwell's draft report soon to be forwarded for your review and endorsement.

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2. Two of the initiatives are in conflict with your statutory authority to protect sources and methods: []

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ISOO Initiative #1 regarding Overclassification/Unnecessary Classification - That ISOO issue a directive on security education that includes the establishment of minimum requirements for mandatory training of classifiers of original and derivative classification decisions and the use of classification guides.

CIA Position: This initiative would permit ISOO to, in effect, mandate the qualifications which all Government employees must meet before being authorized to classify information. This initiative would give ISOO control over who in CIA is permitted to make classification decisions. It is our view that the authority should remain with the

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DCI
EXEC

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DCI to decide who should or should not be permitted to make CIA classification decisions. We would have no objection if ISOO were to develop voluntary qualifications guidelines for classifiers as opposed to mandatory requirements.

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ISOO Initiative #13 regarding Unauthorized Disclosures - That the President call upon the Attorney General to revise existing guidelines on investigations of unauthorized disclosures.

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CIA Position: The initiative, as written, fails to take into account the fact that national security equities are what should drive the development of guidelines for Intelligence Community investigations in this area. The initiative does not recognize the distinction between investigations by the Community for the purposes of identifying those who make disclosures, of preventing future disclosures, and of determining the extent of damage done, as opposed to investigations by the FBI for purposes of criminal prosecution. Although the Community must vigorously support criminal prosecutions of unauthorized disclosures in those cases where prosecutions would not compromise the national security, the investigations done by the Community are not done for the purpose of gathering evidence for such prosecutions; the independent character of Intelligence Community investigations must be preserved. Nonetheless, we do find it commendable that D/ISOO is willing to join the fight against unauthorized disclosures.

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3. Another of the initiatives, while not a direct erosion of DCI authority, is logically flawed and has the potential to create an administrative nightmare.

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ISOO Initiative #3 regarding unnecessary classification - (i) That employees be required to report all instances of improper classification (overclassification, underclassification, unnecessary classification or procedurally incorrect classification); and (ii) that agencies provide an effective means for employees to challenge classification decisions free from the fear of retaliation.

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CIA Position: The original objective pertaining to this recommendation is to encourage persons who believe information is improperly classified to bring this to the attention of responsible officials. We believe part (ii) of the initiative is responsive to this goal. However, part (i) requires all federal workers to report, in effect,

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their opinions about classification decisions with which they may disagree. It is patently unfair to hold employees at risk of censure for failing to report an opinion, particularly when the receiving employee's opinion would be, in most cases, less informed than that of the originator. Moreover, since virtually any classification discrepancy, no matter how minor, would be required to be reported, this initiative could well create an administrative burden of monstrous proportions. In sum, part (ii) seems to provide a remedy for any serious breach of classification rules. Part (i) should not be implemented; existing ISOO inspection procedures and others currently being recommended are the proper remedies for minor or technical irregularities. [REDACTED]

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4. Recommendation: It is recommended that you raise the above considerations when the ISOO initiatives are discussed by the National Security Council. [REDACTED]

STAT

Richard J. Kerr

!OS/EO/PPS [REDACTED] (24 Mar 86)!

STAT

!Distribution:!

! Orig - Adse!
! ① - ER!
! 1 - D/OIS!
! 2 - DDA!
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